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C O N F I D E N T I A L SECTION 01 OF 02 BEIRUT 001849

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DEPARTMENT FOR NEA FRONT OFFICE AND NEA/ELA; NSC FOR
ABRAMS/SINGH/GAVITO/YERGER

E.O. 12958: DECL: 11/23/2027

TAGS: PREL PGOV PTER KDEM LE SY

SUBJECT: LEBANON: EMILE LAHOUD STILL INTENDING TO STEP
DOWN WITHOUT NAMING SECOND CABINET, SAYS LEGAL ADVISOR

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Classified By: Jeffrey Feltman, Ambassador, per 1.4 (b) and (d).

SUMMARY

¶1. (C) Selim Jeressaiti, Emile Lahoud's legal advisor, told the Ambassador mid-morning today (11/23) that Lahoud will end his extended term as Lebanon's president as scheduled at midnight tonight. Jeressaiti said that Lahoud, despite tremendous pressure from Hezbollah and Syria, will not appoint a second cabinet. Jeressaiti dismissed as irrelevant to Lahoud's thinking Michel Aoun's last-minute "initiative" and its 10 p.m. deadline for March 14 to respond. What Lahoud will do, however, is issue a letter to LAF Commander Michel Sleiman ordering him to keep stability in the country.

Jeressaiti insisted that this letter, not a decree, was not a violation of the constitution (as actual presidential decisions must be co-signed by the prime minister) and would not constitute a military coup d'etat. As Jeressaiti explains it, this letter, with its intentionally ambiguous status, would be a face-saving gesture that different audiences could interpret differently. Other sources confirm the account that Lahoud will leave office on time and without forming a second cabinet. End summary.

LAHOUD SAID TO BE LEAVING ON TIME
AND WITHOUT NAMING A SECOND CABINET

¶2. (C) Asking for a status report and reiterating our concerns, the Ambassador contacted Selim Jeressaiti, Lahoud's legal advisor, by phone on 11/23, only 14 hours before Lahoud's extended presidential term is scheduled to expire at midnight. The invariably accessible Jeressaiti (maintaining his inexplicably chipper demeanor) said "don't worry -- the President is leaving at midnight." Lahoud is under incredible pressure and threats from Syria, Michel Aoun, and Hezbollah, but he has accepted Jeressaiti's counsel that a second cabinet is unconstitutional. Lahoud will not appoint a second cabinet or anything that looks like a second cabinet, Jeressaiti insisted.

MICHEL AOUN'S INITIATIVE IRRELEVANT
TO LAHOUD'S CALCULATIONS

¶3. (C) The Ambassador asked about the impact on Lahoud's thinking of Michel Aoun's initiative announced on 11/22, demanding that the March 14 majority accept his ultimatum by 10 p.m. 11/23. March 14 leaders have wondered whether that deadline was chosen in order to give Lahoud two hours before the end of his mandate in which to act. Maybe that was the intention, Jeressaiti acknowledged, but, even if so, Lahoud is not listening. The relations between Lahoud and Aoun are currently poisonous, and Lahoud is not going to adjust his plans because of Aoun's demands.

LAHOUD LETTER TO LAF COMMANDER:
NOT A DECREE, NOT A MILITARY COUP

¶4. (C) The Ambassador explored with Jeressaiti what other actions Lahoud could take, eventually steering Jeressaiti around toward a "military order" Lahoud is known to be delivering to LAF Commander Michel Sleiman. Legally, Jeressaiti said, this is nothing more than a letter. Lahoud, per Article 54 of the constitution, cannot issue decrees (with a couple of notable exceptions) unless co-signed by the prime minister, obviously an impossible condition today. So the letter to Sleiman will urge the army to maintain Lebanon's unity and stability, but it will not be the equivalent of putting Sleiman in charge of the country. This is not 1988, Jeressaiti said; Lahoud does not have the power today (because of the Taif accord) to put Sleiman in charge the way that outgoing President Amine Gemayel put Michel Aoun in charge then.

¶5. (C) The Ambassador asked Jeressaiti whether those that consider the Siniora cabinet to be non-existent would consider Lahoud's letter as having the authority of transferring the powers of the state to the army. Maybe some will claim that, Jeressaiti said, but it will not be the

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case. No doubt the Siniora cabinet will simply ignore it. Deputy Prime Minister Defense Minister Elias Murr (who confirmed to us that he is comfortable with the letter) will continue to be consulted by LAF Commander Sleiman, who will not take actions that would suggest he sees the letter as giving him the powers of the head of state. In essence, the legal ambiguity will serve everyone's purpose, Jeressaiti concluded.

ARMY TO BE "SELF-GOVERNING"
BUT WILL WORK WITH MURR, CABINET

¶6. (C) The Ambassador asked Jeressaiti who, upon Lahoud's departure, is in command of the army, since Jeressaiti believes that the Siniora cabinet, upon the walk-out of the Shia ministers, because unconstitutional. Jeressaiti responded that the LAF will, in this situation, essentially be "self-governing," in terms of legality. But he emphasized again that Sleiman himself may not share that view and, even if he does, the Commander will not provoke the situation. Sleiman will continue to work with Murr and the Siniora cabinet, doing nothing to suggest he doesn't recognize the civilian authority. To avoid annoying March 8 supporters, Sleiman will also not go out of his way to affirm his public recognition of that cabinet authority. In terms of what Jeressaiti would argue is an enormous vacuum -- no presidency and no cabinet to assume the presidential powers -- parliament needs to act to fill the presidential void first.

HOPING LAHOUD WILL AT LAST
GET A LITTLE RESPECT

¶7. (C) Separately, former Minister (in the last Karami cabinet) Wadih al-Khazen called the Ambassador to confirm what Jeressaiti reported. Lahoud will leave office on time and without taking a destabilizing step. (Septel covers LAF

contacts reporting the same.) Murr, who is the ex-son-in-law of Lahoud, told the Ambassador that he is hearing the same thing from family sources he continues to cultivate. Raising concerns they have mentioned before, both Khazen and Jeressaiti were very keen to know whether the United States would pursue Lahoud with visa and financial sanctions, if he leaves quietly. The Ambassador assured them that the USG has no interest in proceeding with such steps, if Lahoud's departure is as quiet and timely as they claim it will be. Jeressaiti urged that Lahoud be treated with the respect and courtesies of a former head of state, in the same way that the USG used to deal with Elias Hrawi until his July 2006 death and still deals with Amine Gemayel.

COMMENT

18. (C) We are not going to pop the champagne bottles prematurely, but all signs -- including conspicuous moving vans transferring the personal effects of the Lahouds from Baabda Palace -- indicate that Emile Lahoud will indeed leave office tonight without precipitating the formation of a second cabinet or military coup. To be sure, we will have to read carefully the letter he is to present to LAF Commander Michel Sleiman. Undoubtedly, the letter will have offensive language positing views about Hizballah and the Siniora cabinet we would find objectionable. But if there is a general consensus that it has no legal force, we can dismiss the letter as the final ranting of someone who should have disappeared from public life three years ago.

FELTMAN